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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 STACIE DAVIS,

11 Plaintiff,

12 v.

13 METRO TRANSIT KING COUNTY
14 BUS CORPORATION et al,

15 Defendants.
16

CASE NO. C19-1935 MJP

ORDER OF REMAND

17 THIS MATTER comes before the Court *sua sponte*. On January 31, 2020 this Court
18 Ordered Defendants, who removed this case from King County Superior Court, to show cause
19 why the Court has jurisdiction over this matter. (Dkt. No. 14.) Having reviewed the Complaint
20 (Dkt. No. 1, Ex. 2), the Notice of Removal (Dkt. No. 1), and Defendants' Response to the
21 Court's Order to Show Cause (Dkt. No. 15), the Court REMANDS this matter to the King
22 County Superior Court.

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1 On September 30, 2019, Plaintiff, proceeding *pro se*, filed a complaint in King County
2 Superior Court alleging that a King County Metro Transit bus driver trapped her between the
3 doors of a bus, with her body “hanging halfway off” while he drove to the next stop. (Dkt. No.
4 1, Ex. 2 (“Compl.”) at 7.) The bus driver “screamed at [Plaintiff] as though he was angry and
5 said something to [her] that he shouldn’t ha[ve].” (*Id.*) When Plaintiff requested the video of
6 this incident, her Public Records request was denied. (*Id.* at 6.) In bringing her allegations,
7 Plaintiff used a form complaint, titled “Complaint for Violation of Civil Rights”; where the form
8 asks, “Are you bringing suite against (*check all that apply*):” she checked the box, “State or local
9 officials (a § 1983 claim).” (*Id.* at 5.)

10 Although Defendants removed this matter to federal court, asserting that the Court has
11 original jurisdiction under 28 U.S.C. § 1331 because “Plaintiff’s claims necessarily raise a
12 federal question that must be decided as part of Plaintiff’s affirmative case,” Defendants now
13 move to dismiss, noting that “[Plaintiff]’s complaint does not specify any constitutional or
14 statutory right she believes defendants violated, nor does she identify any official custom or
15 policy she believes led to her claimed injuries.” (Dkt. No. 5 at 2.) That is because Plaintiff
16 alleges a tort claim and a possible violation of the Public Records Act, not a Section 1983 claim;
17 Defendants have erroneously removed this case.

18 Nevertheless, Defendants ask the Court to dismiss rather than remand. (Dkt. No. 15 at 2.)
19 This would require the Court to ignore Plaintiffs’ allegations that plausibly state other claims and
20 instead find that by checking the wrong box on a form complaint she intended to assert a claim
21 she has not sufficiently pled. The Court declines to do so and REMANDS this case to the King
22 County Superior Court.

1 The clerk is ordered to provide copies of this order to Plaintiff and all counsel.

2 Dated February 12, 2020.

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4 Marsha J. Pechman
5 United States District Judge